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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/720,256
Filing Date: November 25, 2003
Appellant(s): GEST, STEPHEN B.

Patrick C. Keane
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/14/08 appealing from the Office action mailed 1/3/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

4. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 2003/0117527).

Regarding claim 1, Smith disclosed a method for exchanging information with a process using a window display port, the method comprising:

presenting information related to a first process in a window within a presentation space of a monitor (Paragraph [0030], lines 6-17; Figure 5); Smith did not specifically disclose presenting information related to a first process in a window that is resizable within a presentation space of a monitor, however resizable windows are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window.

selecting a second process (Paragraph [0025]; Figure 3, selecting PIP);

opening a display port in a portion of the window (Paragraph [0018] and [0025];

Figure 1);

presenting information related to the second process in the display port

(Paragraph [0018] and [0025]; Figure 1); and

linking the display port to the window within the presentation space of the monitor while presenting the information related to the second process in the display port (Paragraph [0018], [0025] Paragraph [0030], lines 6-17; Figure 1; Figure 5);

wherein the first and second processes are separate processes (Paragraph [0018], [0025] Paragraph [0030], lines 6-17; Figure 1; Figure 5).

Regarding claim 2, the rejection of claim 1 is incorporated and further Smith disclosed associating an input focus with the window, wherein the first process can receive information from a user interface (Paragraph [0025]; Figure 3) and

associating the input focus with the display port, wherein the second process can receive information from the user interface (Paragraph [0019]; Figure 1).

Regarding claim 3, the rejection of claim 2 is incorporated and further Smith disclosed associating the input focus with only one of the window and the display port at a time (Paragraphs [0019] and [0025]; Figures 1 and 3).

Regarding claim 4, the rejection of claim 3 is incorporated and further Smith disclosed switching the input focus between the window and the display port (Paragraphs [0019] and [0025]; Figures 1 and 3).

Regarding claim 5, the rejection of claim 3 is incorporated and further Smith disclosed comprising: switching the input focus to the display port when opening the display port

in the portion of the window (Paragraphs [0019] and [0025]; Figures 1 and 3).

Regarding claim 6, the rejection of claim 1 is incorporated and further the system of Smith disclosed swapping the information presented in the display port related to the second process with the information presented in the window related to the first process such that when swapping occurs, the information related to the first process are presented in the display port and the information related to the second process are presented in the window (Paragraph [0024], lines 7-9).

Regarding claim 7, the rejection of claim 1 is incorporated and further the system of Smith discloses associating an input focus with the window when swapping the information presented in the display port with the information presented in the window, wherein the second process can receive information from a user interface (Paragraphs [0019] and [0025]; Figures 1 and 3).

Regarding claim 8, the rejection of claim 1 is incorporated and further Smith did not expressly teach hiding the presenting of information related to the second process and the display port while maintaining an execution of the second process. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith since Smith discloses presenting information in a window (Paragraph [0030], lines 6-17; Figure 5). Smith did not specifically disclose presenting information in a window that is resizable within a presentation space of a

monitor, however resizable windows with a minimize/maximize button in the upper right hand corner next to the close button are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window. One skilled in the art would know that minimizing a window, hides the presentation of information while maintaining execution of the process.

Regarding claim 9, the rejection of claim 8 is incorporated and further Smith did not expressly teach wherein the hiding occurs when hiding the presenting of information related to the first process and the window while maintaining an execution of the first process. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith since Smith discloses presenting information in a window (Paragraph [0030], lines 6-17; Figure 5). Smith did not specifically disclose presenting information in a window that is resizable within a presentation space of a monitor, however resizable windows with a minimize/maximize button in the upper right hand corner next to the close button are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window. One skilled in the art would know that minimizing a window, hides the presentation of information while maintaining execution of the process.

Regarding claim 10, the rejection of claim 1 is incorporated and further Smith disclosed closing the display port and halting an execution of the second process (Paragraph [0025]; Figure 2, element 47; wherein window executing the second process has close button).

Regarding claim 11, the rejection of claim 1 is incorporated and Smith does not expressly teach closing the display port while maintaining an execution of the second process when closing the window and halting an execution of the first process, opening a second window that is resizable within the presentation space of the monitor; and presenting information related to the second process in the second window. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith, because Smith teaches that the second process can come from various sources while the window displays a software application, website etc (Paragraph [0030]; Figure 5). The skilled artisan would determine that the information related to the second process could be executing and then opened in second window since the window can display either the software application or the audiovisual source signal depending on a user's preferences/actions (Paragraph [0030]).

Regarding claim 12, as indicated in the above discussions, every limitation of claim 1 is taught by Smith. Smith further teaches adding the second process to a list of selected processes (Paragraph [0022]; Figure 2, area 29). Smith does not expressly teach

including the list of selected processes as selectable entries in a drop-down menu. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith, because Smith discloses browsing a preset list (Paragraph [0022]; Figure 2, area 29). The skilled artisan knows that the preset list can viewed by toggling up and down in the same manner as it would be displayed in a drop-down menu.

Regarding claim 13, the rejection of claim 1 is incorporated and further Smith teaches wherein the selecting comprises: browsing a repository of available processes including the second process (Paragraph [0022]; Figure 2, area 29).

Regarding claim 14, the rejection of claim 1 is incorporated and Smith does not expressly teach wherein the linking comprises: resizing the display port an amount proportional to an amount the window changes when the window is resized. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith, because Smith discloses presenting information in a window (Paragraph [0030], lines 6-17; Figure 5). Resizable windows are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window. The skilled artisan knows that conventional mouse operations and the use of a window reduction/enlargement button would resize a display port an amount proportional to an amount the window changes.

Regarding claim 15, the rejection of claim 1 is incorporated and Smith does not expressly teach wherein the linking comprises: maintaining a relative positioning of the display port within the window when repositioning the window within the presentation space of the monitor. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith, because Smith discloses displaying the port in a window (Paragraph [0030], lines 6-17; Figure 5). Resizable windows are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window. The skilled artisan knows that conventional mouse operations and the use of a window reduction/enlargement button would reposition the window and the display port would maintain a relative position within the window during the repositioning.

Regarding claim 16, the rejection of claim 1 is incorporated and Smith disclosed wherein the first and second processes are associated with respective application programs (Paragraph [0030], lines 1-17).

Regarding claims 17-23, 25-28, 30, 32-33, 35-37, and 45-50, they are the corresponding system claims of 1-16. Therefore, claims 17-23, 25-28, 30, 32-33, 35-37, and 45-50 are rejected under the same rationale as applied above.

Regarding claim 24, the rejection of claim 23 is incorporated and Smith disclosed wherein the logic configured to swap the information is responsive to an output of a

pointing device included in the user interface (Paragraph [0019], lines 15-17; Paragraph [0024], lines 7-9).

Regarding claim 26, the rejection of claim 25 is incorporated and further Smith did not expressly teach wherein the logic configured to hide is responsive to an activation of a control button associated with the window. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith since Smith discloses presenting information in a window (Paragraph [0030], lines 6-17; Figure 5). Smith did not specifically disclose presenting information in a window that is resizable within a presentation space of a monitor, however resizable windows with a minimize/maximize button in the upper right hand corner next to the close button are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window. One skilled in the art would know that minimizing a window using a button in the upper right hand corner of the window, hides the presentation of information while maintaining execution of the process.

Regarding claim 29, the rejection of claim 28 is incorporated and Smith disclosed wherein the logic to close the display port is responsive to a combined output of a keyboard and a pointing device included in a user interface ((Paragraph [0025]; Figure 2, element 47; wherein window executing the second process has close button).

Regarding claim 31, the rejection of claim 30 is incorporated and Smith disclosed wherein the logic configured to close the display port is responsive to a closing of the window and halting of an execution of the first process (Paragraph [0030]; Figure 5, where the window can be closed (button in right hand corner) which would halt the software application/website etc).

Regarding claim 34, the rejection of claim 33 is incorporated and Smith did not expressly teach wherein the logic configured to browse is responsive to a selection of an entry in the drop-down menu. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith because Smith disclosed browsing a preset list (Paragraph [0022]; Figure 2, area 29). The skilled artisan knows that selecting to browse the preset list can be achieved by the toggle buttons in the same manner as it would be displayed and selected in a drop-down menu.

Regarding claims 38-44 they are the corresponding program product claims of claims 1, 2, 6-8, 12 and 15. Therefore, claims 38-44 are rejected under the same rationale as applied above.

Regarding claim 51, Smith does not expressly teach the method of claim 13, wherein the browsing comprises:

including a browse option as a menu item of the window; and

opening a dialog box and presenting a list of selectable processes in the dialog box.

However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Smith since Smith discloses browsing a preset list (Paragraph [0022]; Figure 2, area 29). The skilled artisan knows that the preset list can be browsed by toggling up and down in the same manner as it would be if it were displayed in a dialog box.

(10) Response to Argument

Smith Reference: The Smith reference is related to "picture-in-picture" television and WebTV, where television screens can be displayed on a computer. As described in the Summary of the Invention (Paragraphs [0008-0009]), Smith discloses a control program that allows a user to interact with the PIP window and the larger displayed image in order to access different programs, view more information about programs, customize different options etc. As shown in (Paragraphs [0010-0011]), in order to carry out the user interaction, cursors are detected to make selections using buttons or other graphical objects in both the PIP window and larger displayed image.

Beginning on page 7 of Appellant's brief (hereinafter Brief), Appellant argues specific issues, which are accordingly addressed below.

A. In response to Appellant's argument regarding the rejection of claim 1 under 35 U.S.C. 103(a) on pages 7-9 of the Brief, the Examiner respectfully disagrees.

1) Appellants argue that Smith does not teach or suggest that the picture-in-picture window presents information related to a process. However, Smith discloses a window as shown in Figures 1,2 and 5 with control buttons and is associated with a control program which allows users to interact with the window to make selections and choices (Paragraphs [0019-0020]) therefore the information presented in the window is in fact a

process. Appellant argues that a process is "an instance of a computer application executed by a computer", however the argument is not commensurate with the scope of the claim. The claim merely calls for a "process".

2) Regarding Appellant's argument that Smith's patent is not directed to facilitating a user's input of information via a user interface to any of multiple processes, the Examiner respectfully disagrees. As shown in rejection of claim 2 and in the response to claim 1 above, the user is inputting control options through the window to control the information (process) which is displayed inside. Therefore that process is receiving information from the user interface.

3) Appellant also argues that Smith fails to disclose "linking" a display port to a resizable window.

As shown in the above rejection of claim 1, Examiner noted that Smith did not specifically disclose presenting information related to a first process in a window that is resizable within a presentation space of a monitor, however resizable windows are well known and common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a resizable window into the system of Smith in order to minimize, maximize, or adjust the size of the window. Figure 5 shows a window on a computer-based application and it is commonly known in the art that application windows are resizable by using a minimize/maximize button located in the

upper right hand corner next to the "x" close button, or by dragging the outer corners of the window frame.

B. In response to Appellant's argument regarding the rejection of claims 2-5, 18-21, 29 and 26 under 35 U.S.C. 103(a) on pages 9-10 of the Brief, the Examiner respectfully disagrees.

1) Appellant argues that Smith does not teach or suggest an input focus associating with the picture-in-picture window or the larger screen, and allowing information from the user interface to be received by a "process" related to the associated picture-in-picture window or larger screen.

As shown in the above rejections of claims 2-5, and the above response to argument A, Smith does in fact disclose the inputting and reception of information by a process related to those windows. Smith discloses a picture-in-picture window as shown in Figures 1,2 and 5 with control buttons and is associated with a control program which allows users to interact with the window to make selections and choices (Paragraphs [0019-0020]). The user is inputting control options through the window and the larger screen to control the information (process) which is displayed inside therefore there is an input focus associated with both windows and both processes are receiving information (Paragraph [0025]; Figure 3 and 5; Paragraph [0019]; Figure 1). Figure 5 clearly shows how the user would be able to interact with both the computer-based

application window and the picture-in-picture window so that the processes running in both those windows receive information/input from the user.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kim-Lynn Dam/

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